

# BakerHostetler

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December 9, 2022

**VIA ECF**

Honorable Jesse M. Furman  
United States District Court  
Southern District of New York  
40 Centre Street, Room 2202  
New York, NY 10007

*Re: New York City Transit Authority v. Express Scripts, Inc.  
No. 1:19-cv-05196-JMF (S.D.N.Y.)*

Dear Judge Furman:

We write on behalf of plaintiff, the New York City Transit Authority (“NYCTA”) regarding defendant’s request for a ruling now on the length of trial set for three months from now and the Court’s notice of a telephone conference next Wednesday, December 14.

As to the trial length issue, together, the parties have identified 16 unique witnesses they will potentially call to testify live at trial. Factoring in time for direct and cross-examination of each witness as well as time for trial rulings and other administrative issues, the NYCTA does not believe trial can be completed in five days. The NYCTA respectfully submits that a *minimum* of eight days, inclusive of jury selection, opening and closing statements, is necessary to complete trial and the plaintiff’s estimate of ten trial days submitted in the Joint Pretrial Order remains our best estimate of trial duration.

We request that any conference on this matter be rescheduled until the week of December 19 at the earliest. I have been lead counsel for plaintiff throughout this litigation and I am unavailable next week for reasons that I can provide to the Court under seal should that be necessary. Co-trial counsel, my partner Jonathan New, will be engaged in a hearing in the Southern District of Florida next week and will also therefore be unavailable.

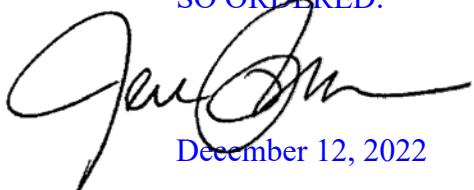
Respectfully submitted,

*/s/ John Siegal*

John Siegal

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**SO ORDERED.**



December 12, 2022